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12 professionally known as “JESSICA HAID”

13 **UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 ROBIN BAIN, an Individual,

16 Plaintiff,

17 v.

18 FILM INDEPENDENT, INC., a  
19 California Corporation, doing business  
as the “LA Film Festival”; LA MEDIA  
20 WORKS, CORP. a business entity of  
unknown form; JESSICA HAID a.k.a.  
“Jessica Cesaro”, an Individual; and  
DOES 1-10,

21 Defendants.

22 JESSICA CESARO professionally  
23 known as “JESSICA HAID,” an  
Individual,

24 Counter-Claimant,

25 v.

26 ROBIN BAIN, an Individual; and DOES  
11-20,

27 Counterclaim-Defendants.

1 Case No.: 2:18-cv-04126-PA(JEMx)

2 **DEFENDANT / COUNTER-  
3 CLAIMANT JESSICA HAID’S  
4 NOTICE OF MOTION FOR  
5 SUMMARY JUDGMENT AND/OR  
6 ADJUDICATION**

7 *[Memorandum of Points and  
Authorities, Declaration of Jessica  
Haid, Declaration of Marc D’Amour,  
Declaration of John R. Baldivia,  
Separate Statement of Uncontested  
Facts and Conclusions of Law, and  
Proposed Order filed concurrently  
herewith]*

8 DATE: August 10, 2020  
9 TIME: 1:30 p.m.  
10 JUDGE: Percy Anderson  
11 COURTROOM: 9A

12 COMPLAINT FILED:

13 May 16, 2018

14 FINAL PRETRIAL CONFERENCE:

15 October 8, 2020

16 TRIAL DATE:

17 October 13, 2020

18 **DEFENDANT / COUNTER-CLAIMANT JESSICA HAID’S NOTICE OF MOTION FOR  
19 SUMMARY JUDGMENT AND/OR ADJUDICATION**

1 **TO THE COURT, ALL PARTIES, AND ATTORNEYS OF RECORD:**  
23 PLEASE TAKE NOTICE THAT, on August 10, 2020 at 1:30 p.m., or as soon  
4 thereafter as counsel may be heard, before the Honorable Percy Anderson, located  
5 at 350 West First Street, Los Angeles, CA 90012, pursuant to Rule 56 of the Federal  
6 Rules of Civil Procedure and Local Rules 56-1 through 56-3 of this Court, Defendant  
7 / Counter-Claimant JESSICA CESARO, professionally known as JESSICA HAID  
8 (“Haid”) respectfully submits this Motion for Summary Judgment and/or  
9 Adjudication as to Plaintiff ROBIN BAIN’s (“Bain”) Complaint.  
1011 As set forth in the accompanying Memorandum of Points and Authorities,  
12 there is good cause for the relief requested on the following grounds:  
1314 

- 15 Bain’s claims for Copyright Infringement, Vicarious and/or Contributory  
16 Copyright Infringement, and Violation of the Digital Millennium Copyright  
17 Act (17 U.S.C. § 1202) must fail because the allegedly infringing works are  
18 protected by fair use;
- 19 Bain’s claim for Violation of the Digital Millennium Copyright Act (17  
20 U.S.C. § 1202) must fail because Bain cannot prove that Haid possessed the  
21 requisite mental state under the law.

22 Pursuant to Local Rule 7-3, on July 2, 2020 counsel for Haid, John R.  
23 Baldivia, spoke to Justin M. Gomes, counsel for Bain, to meet and confer regarding  
24 the arguments in this motion. Declaration of John R. Baldivia (“Baldivia Decl.”) at  
25 ¶ 5. The parties have not been able to resolve the issues informally. *Id.*26 This Motion is based on the Memorandum of Points and Authorities, Separate  
27 Statement of Uncontroverted Facts and Conclusions of Law, Declaration of Jessica  
28 Haid, Declaration of Marc D’Amour, Declaration of John R. Baldivia, Esq., the  
pleadings and papers filed in this action, and such further argument and matters as  
may be offered at the time of the hearing of this Motion.

1 Dated: July 13, 2020

PIERCE LAW GROUP LLP

2 By: /s/ David Albert Pierce

3 David Albert Pierce, Esq.

4 John R. Baldivia, Esq.

5 Attorneys for Defendant / Counter-  
6 Claimant JESSICA CESARO,  
7 professionally known as JESSICA  
8 HAID

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DEFENDANT / COUNTER-CLAIMANT JESSICA HAID'S NOTICE OF MOTION FOR  
SUMMARY JUDGMENT AND/OR ADJUDICATION